

Attorney Docket No.: J3651(C)
Serial No.: 10/506,374
Filed: September 2, 2004
Confirmation No.: 1186

REMARKS

This Amendment accompanies the filing of a Request for Continued Examination of the subject application. Entry thereof is respectfully requested.

Independent claims 1, 2 and 3 have been amended to specify that the hair treatment composition is a hair styling product in the form of a hair spray or mousse, and is packaged in a pump spray, aerosol or pump aerosol container and is labeled for use in styling hair. See, for example, page 23, lines 23 to 25, and page 25, line 12 to page 26, line 28. Additionally, independent claims 1 to 3 have been amended to maintain consistency with the "block" nomenclature. Dependent claims 5-8, 10-13, 15, and 17-19 have been amended to change the reference to "a hair treatment composition" to "the hair treatment composition"; such amendment is believed to moot the 35 U.S.C. 112 rejection applied to such claims. Reference to "a hair treatment composition" in independent claims 2 and 3 is believed to be proper. Claim 2 has been amended to correct the misspelling of "carbocyclic". Claims 9 and 14 have been cancelled without prejudice. Claims 5, 6 and 19 have been amended to change their dependency from cancelled claim 4 to claim 1.

Claims 1 -3 stand rejected over Nagarajan et al. in et al. in view of Pei Hong. Additionally, the pending claims stand rejected over Nagarajan et al. in view of Adams in view of Frechet et al. These rejections are respectfully traversed.

The subject claims are directed to hair styling products or methods of styling hair that incorporate a particular polymer, namely, an ABA polymer that incorporates linking groups L. Nagarajan et al. and Pei Hong are directed to the synthesis of ABA block copolymers that have a PEG B block (Nagarajan et al.) or a PPG B block

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(PeiHong). Neither citation discloses ABA polymers wherein the A and B blocks are joined by a separate divalent linking group or the use of the polymers therein described in hair styling products. Adams et al. is relied on in the referenced Office Action as disclosing block copolymers (including A-L-B-L-A block copolymers) in styling applications. The Adams et al. polymers are, however, polysiloxane block copolymers in which the "B block" is a polysiloxane. Frechet et al. discloses styling products that contain certain thermoplastic elastomers in which core and flanking polymers provide the elastomers with hard and soft blocks. However, **nothing in Frechet et al. discloses or suggests polymers having a PEG core**; in Frechet et al. it is preferred that the core polymer is a polymer or copolymer of an acrylate ester.

ABA copolymers can be derived from a great many different monomers, with thousands of polymeric configurations being possible. The number of possible configurations swells when potential linking groups are considered. The suitability of ABA copolymers as styling aids is widely variable; moreover, not all ABA copolymers disclosed as styling aids provide desirable hold under conditions of high humidity. It is respectfully submitted that the applied citations, individually and in combination, do not teach one skilled in the art to selectively fabricate and incorporate the subject A-L-B-L-A copolymers into hair styling products as a means of providing high humidity hold.

In view of the foregoing amendments and remarks, reconsideration and allowance of the subject claims is respectfully requested.

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If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Karen E. Klumas', is written over a horizontal line.

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